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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15721 of 2023

A.Rathinabalan

... Petitioner/ Accused No.2

Vs

The State rep. by
The Sub-Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(Crime No.291 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.J.Prischilla Pandian,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.291 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police
for the alleged offence punishable under Sections 379 of IPC read with Section 21(1)

of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.291 of

<https://www.mhc.tn.gov.in/judis>



2023, on the file of the respondent police, seeks anticipatory bail.

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2. On the ground that the petitioner is involved in another case in Crime No.47 of 2018, the matter was adjourned. The learned counsel for the petitioner would submit that the earlier petition was compromised as compounded in Lok Adalat dated 22.04.2018. The present FIR has been registered subsequent to the above said disposal. On 02.07.2023, on the ground that JCB vehicle bearing registration number TN 72 CA 6134 was found along with another lorry bearing registration number TN 72 BR 0354, loaded with three units of sand without any proper permit. Two persons were escaped. The petitioner is the owner of the vehicle and hence she is also involved in this case.

3. The petitioner has already involved in a previous case and admitted the offence and compounded. Even after the disposal of the earlier case, the present incident had happened. Even though it is stated that without the knowledge of this petitioner, the driver of the vehicle has taken the vehicle for the commission of offence, it cannot be considered. It is a matter for investigation.

4. Considering that there is no change of circumstances and since the petitioner is the habitual offender, he is not entitled for any discretionary relief.



5. Accordingly, this Criminal Original Petition stands dismissed.

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04/09/2023

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SUB INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15721 of 2023
Date :04/09/2023

SSA/VR/19.09.2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023